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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,439	01/22/2002	Jens Friedrichs	A-3259	5386

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EXAMINER

WILLIAMS, KEVIN D

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 01/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

10/054,439

### Applicant(s)

FRIEDRICHs ET AL.

### Examiner

Kevin D. Williams

### Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein (US 5,983,795) in view of Gelinis.

Stein teaches a rotary printing machine comprising a sheet transport cylinder 6 disposed between another sheet transport cylinder 7 and an impression cylinder 5, said rotational axis of the sheet transport cylinder in a first axial position extends axially parallel to an axis of rotation of an adjacent impression cylinder 5, and an angle determined by the axis of rotation of the sheet transport cylinder 6 and axes of rotation of other sheet transport cylinders 5,7 adjacent the first mentioned sheet transport cylinder.

Stein does not teach an adjusting device for adjusting the sheet transport cylinder depending upon various printing-sheet thicknesses, comprising a mounting support for mounting the sheet transport cylinder so that a rotational axis of the sheet transport cylinder is adjustable from a first axial position which corresponds to a given printing-sheet thickness to a second axial position which corresponds to another printing-sheet thickness and is axially parallel to said first axial position, said mounting

support comprising at least one eccentric bearing having an eccentricity, a movement path described by an axis of rotation during an adjustment thereof from said first to said second axial position corresponds to a line which determines a change in cylinder nips which in terms of size is effected at least approximately to the same mutual extent where said nips are formed by the sheet transport cylinder together with adjacent cylinders, where a rotational axis of the sheet transport cylinder in a second position is parallel to an axis of rotation of an adjacent impression cylinder, where adjusting directions lie at least approximately on a bisector of the angle determined by the axis of rotation of the sheet transport cylinder and axes of rotation of other sheet transport cylinders adjacent to the first-mentioned sheet transport cylinder.

Gelinas teaches an adjusting device for adjusting a sheet transport cylinder 11 depending upon various printing-material thicknesses (col. 2, lines 34-36; col. 9, lines 19-24), comprising a mounting support 9,22 for mounting the sheet transport cylinder so that a rotational axis of the sheet transport cylinder is adjustable from a first axial position which corresponds to a given printing-material thickness to a second axial position which corresponds to another printing-material thickness and is axially parallel to said first axial position, said mounting support comprising at least one eccentric bearing 30' having an eccentricity, a movement path described by an axis of rotation during an adjustment thereof from said first to said second axial position corresponds to a line which determines a change in cylinder nips which in terms of size is effected at least approximately to the same mutual extent, where adjusting directions would lie at least approximately on the bisector of the angle determined by the axis of rotation of the

sheet transport cylinder of Stein and axes of rotation of other sheet transport cylinders of Stein adjacent to the first-mentioned sheet transport cylinder.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Stein to have the adjusting device as taught by Gelinas, in order to accurately and efficiently transport printing sheets of varying thicknesses.

### ***Response to Arguments***

3. Applicant's arguments filed 11/12/2003 have been fully considered but they are not persuasive.

Applicant argues that the horizontal path in Gelinas is completely unsuitable for transporting a sheet as disclosed in Stein. In response, the examiner asserts that he is not relying on the Gelinas reference for its teaching of a horizontal printing path. The examiner is only relying on the teaching by Gelinas to make a printing medium transport cylinder adjustable so as to accommodate mediums of varying thicknesses. Sheet printing devices and web printing devices are very similar. Both devices use cylinders to transport the printing medium through the device and to print ink on the medium. Applicant argues that one skilled in the art of a sheet fed device would not look to a web device to search for solutions to a particular problem. The examiner contends that one skilled in the art of a sheet fed device would look to a web device to search for solutions to some problems. One skilled in the art of a sheet fed device could find numerous benefits in web devices pertaining to the problem of cylinder adjustability for varying medium thicknesses. The cylinders of sheet devices and web devices are structured similarly. Sheet and web cylinders are also mounted into their respective printing

machines in a similar manner. Therefore, the structural elements that allow a web cylinder to be adjustable maybe beneficial to one skilled in the art of a sheet device seeking to make a sheet cylinder adjustable.

Applicant argues that the sheet transport cylinder 6 of Stein has a non-illustrated gripper system. The examiner asserts that it is possible for the cylinder 6 to function without a gripper system. The examiner assumes first that if the cylinder 6 has a gripper system, Stein would have disclosed the gripper system in the specification or the drawings. Second, blower devices are often used to ensure that a sheet remains adhered to a cylinder when a gripper system is absent. Assuming that the cylinder 6 does have a gripper system, the examiner contends that the combination of Stein and Gelinas would still be feasible. Applicant argues that adjustment of the sheet transport cylinder 6 would cause the closing times of its gripper systems to become corrupted. Whether or not the closing times will become corrupted depends upon the change in thicknesses of the mediums. If there is only a small change from one medium to another, the change in the closing times will be negligible. If the thickness change from one medium to another is large, one skilled in the art would adjust the phases of the relevant cylinders to compensate for the resulting difference in the closing times. It is well know in the art to adjust the phase of cylinders containing grippers. The phase of cylinders is often adjusted to compensate for mediums of varying lengths. One of ordinary skill in the art would understand how to adjust the phase of a transport cylinder so that the closing times of the grippers match.

Applicant contends that he is the only one to have found a solution to the problems pertaining to gripper closing times. Applicant is encouraged to claim the subject matter if applicant feels that it is novel. Actually, the subject matter pertaining to the problem of gripper closing times (page 11, lines 1-23 of specification) does not appear to be critical to applicant's invention since applicant has not provided a detailed description of how the system functions. Applicant also has not included the system in the drawings.

Applicant argues that there is no teaching or motivation to combine Gelinas with Stein. Gelinas teaches the versatility of a printing device by providing an adjustable sheet transport cylinder to accommodate various medium thicknesses. This teaching by Gelinas alone provides motivation to one skilled in the art to attempt to combine the devices. Also, it is not necessary for the motivation to combine the references to be expressly present in the references themselves. The motivation can stem from the prior art as a whole or from the knowledge generally available to one of ordinary skill in the art. Here, it is well known that it is advantageous to have a printing device that is adjustable so as to accommodate various printing medium thicknesses. Such a device prevents a user from having to provide a separate printing device for accommodating a medium of a different thickness.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin D. Williams whose telephone number is (703) 305-3036. The examiner can normally be reached on Monday - Friday, 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (703) 305-6619. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

KDW  
January 18, 2004



ANDREW H. HIRSHFELD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800